**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR**; the specification of which was filed on **August 22, 2003** as Application Serial No. **10/646,333**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/460,825

Filing Date: April 4, 2003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **James H. Brauker**

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: **10831 Riesling Drive, San Diego, CA 92131**

Citizenship: **United States of America**

Post Office Address: **10831 Riesling Drive, San Diego, CA 92131**

Full name of second inventor: **Victoria Carr-Brendel**

Inventor's signature

Date

3/15/04

Residence: **12480 Via Cabezon, San Diego, CA 92129**

Citizenship: **United States of America**

Post Office Address: **12480 Via Cabezon, San Diego, CA 92129**

Full name of third inventor: **Paul V. Neale**

Inventor's signature

Date

3/15/04

Residence: **9179 Truman Street, San Diego, CA 92129**

Citizenship: **United States of America**

Post Office Address: **9179 Truman Street, San Diego, CA 92129**

Full name of fourth inventor: **Laura A. Martinson**

Inventor's signature

Date

3/15/04

Residence: **9320 Mesa Vista Ave, La Mesa, CA 91941**

Citizenship: **United States of America**

Post Office Address: **9320 Mesa Vista Ave, La Mesa, CA 91941**

Send Correspondence To:

**KNOBBE, MARTENS, OLSON & BEAR, LLP**

**Customer No. 20,995**

FOR-69

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Brauker, et al. )  
App. No. : 10/646,333 )  
Filed : August 22, 2003 )  
For : OPTIMIZED SENSOR GEOMETRY )  
FOR AN IMPLANTABLE GLUCOSE )  
SENSOR )  
Examiner : Unknown )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer

App. No. : 10/646,333  
Filed : August 22, 2003

No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

DexCom, Inc.

Dated: 4-7-04

By: 

James H. Brauker, Ph.D.

Title: Vice President, Product Development

Address: 6725 Mesa Ridge Road  
Suite 100  
San Diego, CA 92121

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ASSIGNMENT

WHEREAS, We, James H. Brauker, a United States citizen, residing at 10831 Riesling Drive, San Diego, CA 92131, Victoria Carr-Brendel, a United States citizen, residing at 12480 Via Cabezon, San Diego, CA 92129, Paul V. Neale, a United States citizen, residing at 9179 Truman Street, San Diego, CA 92129, and Laura A. Martinson, a United States citizen, residing at 4047 Alabama Street, San Diego, CA 92103, have invented certain new and useful improvements in a OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR for which we have filed an application for Letters Patent in the United States, Application No. 10/646,333, filed on August 22, 2003;

AND WHEREAS, DexCom, Inc. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 6725 Mesa Ridge Road, Suite 100, San Diego, CA 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 7<sup>th</sup> day of April, 2004

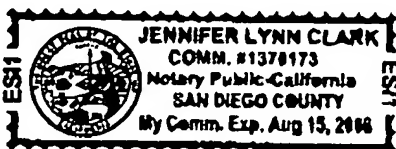
  
James H. Brauker

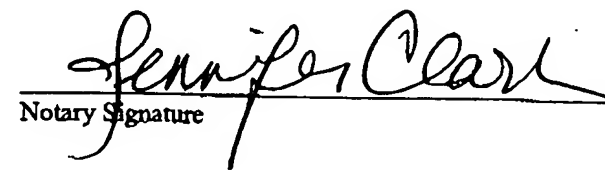
STATE OF California }  
COUNTY OF San Diego } ss.

On Apr. 7, 2004, before me, Jennifer Clark, personally appeared James H. Brauker personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

Application No.: 10/646,333  
Filing Date: August 22, 2003

PATENT  
Client Code: DEXCOM.011A  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 12<sup>th</sup> day of March, 2004

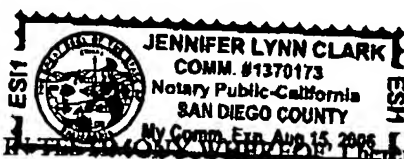
Victoria Carr-Brendel  
Victoria Carr-Brendel

STATE OF California }  
COUNTY OF San Diego } ss.

On March 12, 2004 before me, Jennifer Clark, personally appeared Victoria Carr-Brendel personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Clark  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15<sup>th</sup> day of March, 2004

Paul V. Neale  
Paul V. Neale

STATE OF California }  
COUNTY OF San Diego } ss.

On Mar. 15, 2004 before me, Jennifer Clark, personally appeared Paul V. Neale personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Clark  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15<sup>th</sup> day of March, 2004

Laura A. Martinson  
Laura A. Martinson

STATE OF California }  
COUNTY OF San Diego } ss.

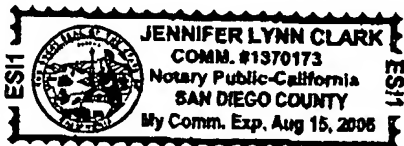
Application No.: 10/646,333  
Filing Date: August 22, 2003

PATENT  
Client Code: DEXCOM.011A  
Page 3

On March 15<sup>th</sup> 2004, before me, Jennifer Clark, personally appeared Laura A. Martinson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Clark  
Notary Signature

ASSIGN2  
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